

S/N 10/748,714

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ladd Nichols et al.	Examiner:	Unknown
Serial No.:	10/748,714	Group Art Unit:	3626
Filed:	December 30, 2003	Docket:	1443.086US1
Customer No.:	21186	Confirmation No.:	2121
Title:	SELECTING APPAREL FOR SURGICAL PROCEDURES		

**SUGGESTED RESTRICTION REQUIREMENT
AND REQUEST FOR TELEPHONIC INTERVIEW**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Please consider the following suggestion for a restriction requirement. Pursuant to 37 C.F.R. § 1.142(c), this Suggested Restriction Requirement is submitted before a first Office action on the merits, before an Office action that contains a requirement to comply with the requirement of unity of invention under PCT Rule 13, and before a requirement for restriction under 35 U.S.C. 121 in the application.

Suggested Restriction Requirement

Applicant suggests that the claims can be restricted into the following Groups:

Group 1 (Claims 1-20 and 37-38) directed to a method of selecting apparel products for surgical procedures, and

Group 2 (Claims 21-36 and 39-40) directed to a data processing system.

Conditional upon acceptance and entry of this Suggested Restriction Requirement, Applicant hereby elects, without traverse, to prosecute Group I (claims 1-20 and 37-38). Applicant believes that this Group comprises no more than 5 independent and 25 total claims. In addition, upon acceptance and entry of this Suggested Restriction Requirement, the remaining claims, those of Group 2 (21-36 and 39-40), are hereby immediately cancelled without prejudice or disclaimer before a first Office action on the merits. Applicant reserves the right to reintroduce such cancelled claims in this application or present such claims in a later filed application. Since such cancellation is being made before examination on the merits, Applicant reserves the right to request a refund for any excess claim fees of the cancelled claims.

Request for Telephonic Interview

Regardless of the treatment of this Suggested Restriction Requirement, Applicant's representative Andrew R. Peret respectfully requests a telephonic interview with the Examiner. Applicant believes that an interview may be beneficial in considering the Suggested Restriction Requirement and to afford Applicant an opportunity to cancel or amend any non-elected claims before examination on the merits in order to preserve Applicant's ability to request a refund of the excess claim fees of the non-elected claims. Applicant's representative can be reached at (262) 646-7009.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 10-29-2007 By Andrew Peret
Andrew R. Peret
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ARP:ebb

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 29 day of October, 2007.

CANDIS BUENDING

Name

Signature

